

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY:  COMPLAINT  INFORMATION  INDICTMENT SUPERSEDING**OFFENSE CHARGED**

18 U.S.C. § 1028(a)(3) – Possession of Fifteen or More Unauthorized Access Devices;

18 U.S.C. § 1343 – Wire Fraud (Two Counts);

18 U.S.C. § 1028A – Aggravated Identity Theft (Two Counts);

18 U.S.C. § 982 – Criminal Forfeiture

 Petty Minor Misdemeanor Felony

PENALTY:

SEE ATTACHMENT

Name of District Court, and/or Judge Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SEP 10 2009

FILED

**DEFENDANT - U.S.**

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**DISTRICT COURT NUMBER**

CR09-00901 SBA

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

UNITED STATES SECRET SERVICE

 person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY  DEFENSE this prosecution relates to a pending case involving this same defendant prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

09-70326 WDB

Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO

 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

JOSHUA HILL, AUSA

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior summons was served on above charges2)  Is a Fugitive3)  Is on Bail or Release from (show District)**IS IN CUSTODY**4)  On this charge5)  On another conviction}  Federal  State6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

SAN FRANCISCO

Has detainer  Yes  
been filed?  No} If "Yes"  
give date  
filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted**PROCESS:** SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

**PENALTY SHEET ATTACHMENT**

*United States v. Dwen Edward Curry*

**Count One – 18 U.S.C. § 1029(a)(3) (Possession of 15+ Unauthorized Access Devices)**

Imprisonment: 10 years maximum

Supervised Release: 3 years maximum

Fine: \$250,000 maximum

Special Assessment: \$100

**Counts Two and Four– 18 U.S.C. § 1343 (Wire Fraud)**

Imprisonment: 30 years maximum

Supervised Release: 5 years maximum

Fine: \$1,000,000 maximum

Special Assessment: \$100

**Counts Three and Five – 18 U.S.C. § 1028A (Aggravated Identity Theft)**

Imprisonment: Mandatory 2 Years Imprisonment to run consecutively to any other term of imprisonment imposed under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used

Supervised Release: 1 year maximum

Fine: \$250,000 maximum

Special Assessment: \$100

United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FILED

SEP 10 2009

VENUE: [Oakland]

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES OF AMERICA,

v.

DWEN EDWARD CURRY,

CR09-00901 SBA

DEFENDANT.

[INDICTMENT]

18 U.S.C. § 1028(a)(3) – Possession of Fifteen  
or More Unauthorized Access Devices;  
18 U.S.C. § 1343 – Wire Fraud (Two Counts);  
18 U.S.C. § 1028A – Aggravated Identity  
Theft (Two Counts);  
18 U.S.C. § 982 – Criminal Forfeiture

A true bill.

Walton Bradley

Foreman

Filed in open court this \_\_\_\_\_ day of

Clerk

Bail, \$

No bail, warrant.  
Wayne D. Gray 9-10-09.

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney  
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**FILED**

SEP 10 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**CR09-00901 SBA**

11 UNITED STATES OF AMERICA,

) Criminal No.

12 Plaintiff,

) VIOLATIONS: 18 U.S.C. § 1028(a)(3) –  
Possession of Fifteen or More Unauthorized  
Access Devices; 18 U.S.C. § 1343 – Wire  
Fraud (Two Counts); 18 U.S.C. § 1028A –  
Aggravated Identity Theft (Two Counts); 18  
U.S.C. § 982 – Criminal Forfeiture

13 v.

14 DWEN EDWARD CURRY,

) OAKLAND VENUE

15 Defendant.

)

INDICTMENT

19 The Grand Jury charges:

20 COUNT ONE: [18 U.S.C. § 1029(a)(3) - Possession of Fifteen or More Unauthorized Access  
21 Devices]

22 1. On or about March 27, 2009, in the Northern District of California and elsewhere, the  
23 defendant,

24 DWEN EDWARD CURRY,

25 did knowingly and with intent to defraud possess fifteen or more devices which are counterfeit  
26 and unauthorized access devices, namely bank account numbers, credit card account numbers

1 and social security numbers, in and affecting interstate and foreign commerce, all in violation of  
2 Title 18, United States Code, Section 1029(a)(3).

3 COUNT TWO: [18 U.S.C. § 1343 – Wire Fraud]

4 2. From on or about January 7, 2009, and continuing to on or about February 24, 2009, in  
5 the Northern District of California and elsewhere, the defendant,

6 DWEN EDWARD CURRY,

7 devised and intended to devise a scheme and artifice for obtaining money and property by means  
8 of false and fraudulent pretenses, representations and promises, as to material matters, and for  
9 the purpose of executing the scheme and artifice, did, on or about February 23, 2009, cause to be  
10 transmitted in interstate commerce, by means of a wire communication, certain writings, signs,  
11 and signals, namely, a wire transfer in the amount of \$90,000 from the Vanguard Group in  
12 Pennsylvania to Wachovia Bank in California, in violation of Title 18, United States Code,  
13 Section 1343.

14 3. It was part of the scheme and artifice that defendant CURRY performed the following  
15 acts:

16 a. CURRY obtained the escrow file related to a real estate transaction for victim  
17 T.K. The escrow file contained T.K.’s personal and financial information such as T.K.’s social  
18 security number, address, phone numbers, bank account information, and retirement account  
19 information. CURRY’s possession of T.K.’s escrow file and personal and financial information  
20 was not authorized.

21 b. On or about January 7, 2009, CURRY opened a bank account at Wachovia Bank  
22 in the name of victim T.K. (the “fraudulent T.K. bank account”).

23 c. On or about February 20, 2009, CURRY submitted an unauthorized wire transfer  
24 request form to the Vanguard Group in T.K.’s name, and using T.K.’s personal information,  
25 seeking to transfer \$90,000 from T.K.’s retirement account to the fraudulent T.K. bank account.

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1 | COUNT THREE: [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

2 | 4. On or about February 20, 2009, in the Northern District of California and elsewhere, the  
3 | defendant,

4 DWEN EDWARD CURRY,

5 did knowingly possess and use, without lawful authority, a means of identification of another  
6 person, specifically the name and social security number of victim T.K., during and in relation to  
7 a felony violation of Title 18, United States Code, Section 1343 as alleged in Count Two,  
8 incorporated by reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

**9 | COUNT FOUR: [18 U.S.C. § 1343 – Wire Fraud]**

10 | 5. From no later than March 18, 2009, and continuing to on or about March 26, 2009, in the  
11 | Northern District of California and elsewhere, the defendant,

12 DWEN EDWARD CURRY,

13 devised and intended to devise a scheme and artifice for obtaining money and property by means  
14 of false and fraudulent pretenses, representations and promises, as to material matters, and for  
15 the purpose of executing the scheme and artifice, did, on or about March 26, 2009, cause to be  
16 transmitted in interstate commerce, by means of a wire communication, certain writings, signs,  
17 and signals, namely, a wire transfer in the amount of \$96,000 from the Allstate Life Insurance  
18 Company in Nebraska to Huntington National Bank in Ohio, in violation of Title 18, United  
19 States Code, Section 1343.

20 | 6. It was part of the scheme and artifice that the defendant CURRY performed the following  
21 | acts:

22           a.     CURRY obtained the escrow file related to a real estate transaction for victim F.S.  
23 The mortgage file contained F.S.'s personal and financial information such as F.S.'s social  
24 security number, address, phone numbers, bank account information, and retirement account  
25 information. CURRY's possession of F.S.'s mortgage file and personal and financial  
26 information was not authorized.

27           b.       In particular, CURRY obtained personal information related to F.S.'s fixed  
28 annuity with Allstate Life Insurance Company.

1           c.       On or about March 18, 2009, CURRY contacted Allstate Life Insurance Company  
2 (purporting to be F.S.) and requested information to execute a withdrawal of \$90,000 from the  
3 fixed annuity account.

4 d. On or about March 19, 2009, CURRY submitted an unauthorized "request for  
5 distribution" form to Allstate Life Insurance Company in F.S.'s name, and using F.S.'s personal  
6 information, seeking to withdraw \$96,000 from F.S.'s fixed annuity account and transfer the  
7 funds to the account of Napper Investment LLC at Huntington National Bank.

8 | COUNT FIVE: [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

9     7.     On or about March 19, 2009, in the Northern District of California and elsewhere, the  
10 defendant,

11 || DWEN EDWARD CURRY,

12 did knowingly possess and use, without lawful authority, a means of identification of another  
13 person, specifically the name and social security number of victim F.S., during and in relation to  
14 a felony violation of Title 18, United States Code, Section 1343 as alleged in Count Four,  
15 incorporated by reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

16 || FORFEITURE ALLEGATION: [18 U.S.C. § 982 – Criminal Forfeiture]

17 8. The factual allegations contained in Counts Two and Four of this Indictment are hereby  
18 re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture  
19 pursuant to Title 18, United States Code, Section 982.

20 9. Upon conviction of the offenses alleged in Counts Two and Four above, the defendant  
21 shall forfeit to the United States all property constituting, or derived from, proceeds the  
22 defendant obtained, directly or indirectly, as a result of said violations.

23 All in violation of Title 18, United States Code, Section 982 and Rule 32.2 of the Federal  
24 Rules of Criminal Procedure.

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1 Dated: September 10, 2009

A TRUE BILL

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Debra Boden  
FOREPERSON

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7   
8 STEPHEN CORRIGAN  
9 Deputy Chief, Oakland Branch

10 (Approved as to form:   
AUSA J. HILL)